

UNITED STATES DISTRICT COURT

SOUTHERN DISTRICT OF NEW YORK

ZURICH AMERICAN INSURANCE COMPANY as
successor to ZURICH INSURANCE COMPANY, U.S.
BRANCH,

Plaintiff,

-against-

MUNICH REINSURANCE AMERICA, INC.,
(f/k/a American Re-Insurance Company)

Defendant.

07 CV 2943 (LBS) (MHD)

RULE 26(f) JOINT REPORT

Pursuant to Rule 16 and 26(f) of the Federal Rules of Civil Procedure, the following parties conferred on June 28, 2007: Phoebe A. Wilkinson and Ellen MacDonald Farrell, counsel for Plaintiff, and Robert J. Bates, Jr., counsel for Defendant. Given that this action is in the preliminary stages of litigation, the parties reserve their right to supplement or amend their positions or raise other issues during the litigation as appropriate.

The parties propose the following deadlines:

1. Rule 26(a)(1) Disclosures

The parties do not believe that any changes should be made in the timing, form or requirements for disclosure under Federal Rule of Civil Procedure 26(a). The parties agreed to disclose the information required by FRCP 26(a)(1) by July 24, 2007.

2. Amendments to the Pleadings/Joinder of Parties

The parties agreed that amendments to the pleadings or the joinder of parties must be completed by November 1, 2007.

3. Fact Discovery

The parties agreed that all fact discovery must be completed by February 29, 2008.

4. Disclosure of Experts

The parties agreed that the plaintiff must designate its expert witnesses and provide Rule 26(a)(2) expert reports by March 14, 2008. The defendant must disclose its expert witnesses and provide Rule 26(a)(2) expert reports by April 11, 2008. Plaintiff must disclose any rebuttal expert witnesses and provide Rule 26(a)(2) expert reports by May 9, 2008. Depositions of all expert witnesses must be completed by May 30, 2008.

5. Dispositive Motions

The parties agreed that all dispositive motions must be filed on or before June 13, 2008. Responses to such motions must be filed on or before July 11, 2008. Replies to responses must be filed on or before July 25, 2008.

6. Trial

The joint pretrial order will be filed by June 29, 2008. The parties request that trial of this matter be set at a convenient date on or after September 15, 2008.

7. Discovery Rules

The parties do not believe that any changes should be made in the limitations on discovery imposed under the Federal Rules of Civil Procedure or the Local Rules of the Southern District of New York.

8. Other orders under FRCP 26(c), 16(b) or 16(c)

The parties will request the entry of a Protective Order pursuant to FRCP 26(c) prior to producing confidential, proprietary documents.

Dated: New York, New York
July 3, 2007

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By: /s/ Phoebe A. Wilkinson

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